

## Department of Planning and Zoning

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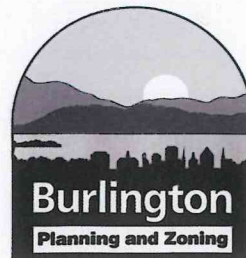
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### MEMORANDUM

To: Development Review Board

From: Mary O'Neil, AICP, Senior Planner

Date: May 21, 2013

RE: ZP 13-0991 SP

**Note: These are staff comments only. Decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.**

**File:** ZP 13-0991 SP

**Location:** 256-258 North Winooski Avenue and 260-262 North Winooski Avenue

**Zone:** NMU **Ward:** 2

**Date application accepted:** April 30, 2013

**Applicant/ Owner:** Gates and A. Marsh Gooding

**Request:** Combine 256-258 and 260-262 North Winooski Avenue; demolish all buildings, construct 2 new three story buildings with a total of 23 residential units and 1 commercial unit. Parking for all 24 units will be provided on-site. A shared access drive with Legal Aid is proposed.

Building connection has been suggested with a covered bike parking area, and/or connected decks.

#### **Background:**

##### **256-258 North Winooski Avenue**

- **Zoning Permit 83-483;** Erect a freestanding sign. Approved October 1983.
- **Zoning Permit 83-127 (COA 83-031):** Add a 36' x 40' building in the rear of the lot to be used for car repair and sales. Approved April 1983.

##### **260-262 North Winooski Avenue**

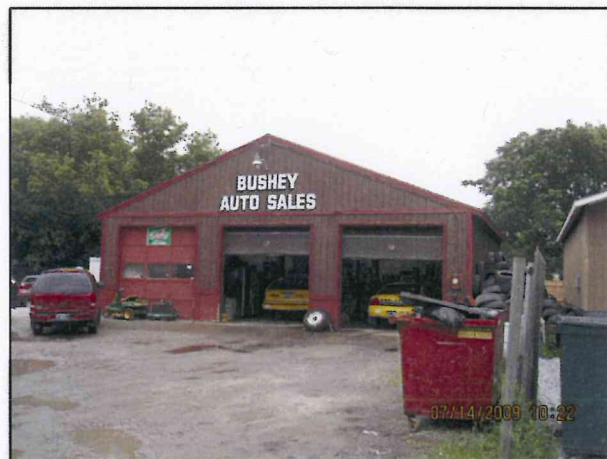
There are no zoning permits on file for this property.

#### **Overview:**

256-258 North Winooski Avenue is currently a mixed use, with 2 residential units in front and a car repair business (Bushey's Auto) in the rear. The lot size is approximately 10,300 sq. ft.



256-258 North Winooski Avenue



260-262 North Winooski has two separate structures, with 2 residential units on approximately 10,335 sq. feet of land.

The **Design Advisory Board** is scheduled to review this under Sketch Plan Review May 28, 2013.

### **Article 3: Applications, Permits, and Project Reviews**

#### **Sec. 3.2.1 (c) Sketch Plan Review**

*Upon request of the applicant, or as may be required under Article 10 – Subdivision or Article 11 – Planned Development of this ordinance, A Sketch Plan Review may be scheduled before the DRB prior to the submission of an application in order to provide the applicant with constructive suggestions regarding a conceptual development proposal. In order to accomplish these objectives, the applicant shall provide the following:*

- 1. A brief narrative and preliminary concept showing the locations and dimensions of principal and accessory structures, parking areas, and other planned features and anticipated changes in the existing topography and natural features.*
- 2. A sketch or map of the area which clearly shows the location of the site with respect to nearby streets, rights-of-way, properties, easements and other pertinent features within 200 feet.*
- 3. A topographic or contour map of adequate scale and detail to show site topography and the relationship to adjoining properties.*
- 4. Payment of the applicable Sketch Plan Review fee.*

See attached. Plans do not include topographic contours, but the submitted materials provide sufficient information for discussion and overall understanding of the proposed project for Sketch Plan purposes.

### **Part 3: Impact Fees**

#### **Sec. 3.3.2 Applicability**

*Any new development or additions to existing buildings which result in new dwelling units or in new nonresidential buildings square footage are subject to impact fees as in any change of use which results in an added impact according to Sec. 3.3.4.*

Impact Fees, based on the new square footage, will be assessed, with credit given for the existing square footage and calculated by use.

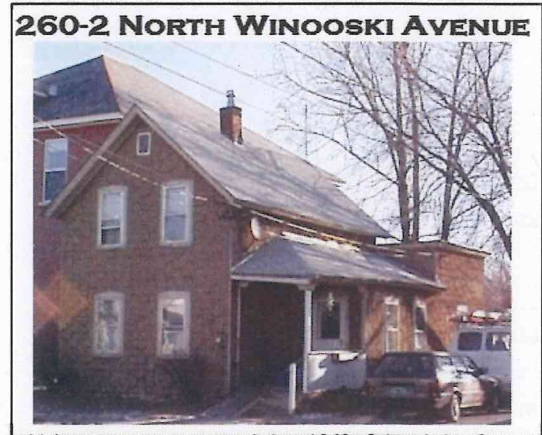
### **Part 4: Site Plan and Design Review**

#### **Part 5: Conditional Use and Major Impact Review**

#### **Sec. 3.5.2 Applicability**

##### *(a) Conditional Use*

- 3. Any application subject to Article 9 – Inclusionary and Replacement Housing*
- 5. All applications subject to Article 10 – Subdivision, and*





*6. All applications subject to Article 11- Planned Development*

*(b) Major Impact Review*

- 1. The construction of five (5) or more dwelling units or the creation through adaptive reuse, substantial rehabilitation or conversion of 10 or more dwelling units.*

Conditional Use and Major Impact Review apply.

**Sec. 3.5.6 (a) Conditional Use Review Standards**

- 1. Capacity of existing or planned community facilities.*  
*2. The character of the area affected as defined by the purpose or purposes of the zoning district(s) within which the project is located, and specifically stated policies and standards of the municipal development plan.*

This is a Neighborhood Mixed Use district, where commercial and residential uses are anticipated to co-exist.

The Municipal Development Plan cites:

- Encourage mixed-use development patterns, at a variety of urban densities, which limit the demand for parking and unnecessary automobile trips and supports public transportation. (Land Use Plan, Page I-2.)
  - ...take underutilized commercial areas within a residential area, and transform them into higher-density, compact mixed-use settlements...(Land Use Plan, Page I-20)
  - Promotion of development and re-investment in the Old North End Enterprise Community (Land Use Plan, Page I-27)
  - *Future Land Use Map – Centers for Growth and Development* (Land Use Plan, Page I-29.)
  - Continue the cleanup and redevelopment of Brownfields, a high priority to improve the environmental, increase the tax base, create and retain jobs, and curb sprawl. (Land Use Plan, Page I-30.)
  - Support the creation of new rental and owner-occupied housing on every parcel of land in Burlington that is zoned for residential development at the number of units allowed by zoning. Identify buildable sites for eventual housing construction/conversion. (Housing Plan, Page IX-12.)
  - The City will actively promote and encourage the development of multi-unit, higher density housing .... as a means of providing greater housing opportunities that serve a wide range of housing needs. (Housing Plan, Page IX-7)
- 3. Traffic on roads and highways in the vicinity evaluated in terms of increased demand for parking, travel during peak commuter hours, safety, contributing to congestion, as opposed to complementing the flow of traffic and/or parking needs; if not in a commercial district, the impact of customer traffic and deliveries must be evaluated;*  
Preliminary review for Act 250 has indicated that a traffic study is not likely needed. At Technical Review, the city's traffic engineer was not inclined to require a traffic study as well. The existing uses (multi-residential, commercial automotive) likely generated a significant amount of trip ends that would be commensurate or exceed with the anticipated traffic of the proposed new development.
- 4. Any standards or factors set forth in existing City bylaws and city and state ordinances;*

Compliance with all standards of the CDO, Chapter 26 approval by the Stormwater Administrator, and securement of requirement building permits and state development (Act 250) and wastewater/potable water permits will be required.

5. *The utilization of renewable energy resources;*

All development is required to meet the energy efficiency standards as defined by Burlington Electric. Alternative energy sources (wind, water, solar, etc.) are encouraged.  
and,

*In addition to the General Standards specified above, the DRB;*

6. *shall consider the cumulative impact of the proposed use. For purposes of residential construction, if an area is zoned for housing and a lot can accommodate the density, the cumulative impact of housing shall be considered negligible;*

Residential use is a permitted use in the NMU. The cumulative impact can be considered negligible.

7. *in considering a request relating to a greater number of unrelated individuals residing in a dwelling unit within the RL, RL-W, RM and RM-W districts than is allowed as a permitted use, in addition to the criteria set forth in Subsection (a) hereof, no conditional use permit may be granted unless all facilities within the dwelling unit, including bathroom and kitchen facilities are accessible to the occupants without passing through any bedroom. Additionally, each room proposed to be occupied as a bedroom must contain at least one hundred twenty (120) square feet. There must also be a parking area located on the premises at a location other than the front yard containing a minimum of one hundred eighty (180) square feet for each proposed adult of the dwelling unit in excess of the number of occupants allowed as a permitted use. All other green space standards must be observed.*

Not applicable in the NMU.

8. *may control the location and number of vehicular access points to the property, including the erection of parking barriers.*

The applicant has made arrangements with the neighboring property owner (Legal Aid) for a shared access drive. This reduces the number of existing access points (driveways) from 3 to 1; and is a benefit to both property owners for comfortable entry and exit as well as providing spatial distance between structures.

The submitted site plan defines a 5' setback between the proposed parking area and the property lines. Barriers may be considered to prevent parking lot creep (although the pavement typically acts as definition for the termination of the parking area.) A hedgerow of landscaping or fencing may be an alternative, which would also address headlight creep into neighboring residential properties.

9. *may limit the number, location and size of signs.*

No signs are proposed within the proposal at this time. Any signage will require a separate zoning permit.

10. *may require suitable mitigation measures, including landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area.*

As the rear parking area may introduce beams from headlight onto the neighboring residential yards, landscaping or fencing along the rear boundary line should be considered.

11. *may specify a time limit for construction, alteration or enlargement of a structure to house a conditional use.*



Both the residential and the (limited) commercial are permitted within the NMU. The conditional use review is required due to the PUD and that the project is Major Impact.

12. *may specify hours of operation and/or construction to reduce the impact on surrounding properties.*

The ordinance inserts limits for development; the project must begin within one year of decision date, and be completed within 2.

13. *may require that any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions.*

This is a statutory requirement.

14. *may consider performance standards, should the proposed use merit such review.*

This is at the discretion of the DRB.

15. *may attach such additional reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this chapter and the zoning regulations.*

Also at the discretion of the DRB.

**(b) Major Impact Review Standards:**

*Before a major impact development may receive approval, the DRB must be satisfied, based on documentation provided by appropriate city agencies, experts, interested parties and/or the applicant that the proposed development, in addition to meeting the review standards for conditional use review above, shall:*

1. *Not result in undue water, air or noise pollution;*

The introduction of new residential units is not anticipated to result in undue water, air or noise pollution.

2. *Have sufficient water available for its needs;*

The applicant will be required to submit a letter from the Department of Public Works confirming the availability of adequate water and sewer service for the proposed development.

3. *Not unreasonably burden the city's present or future water supply or distribution system;*

See above.

4. *Not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;*

An Erosion Prevention and Sediment Control Plan, as well as a Stormwater Management Plan will be required for review and approval by the City Stormwater Administrator.

5. *Not cause unreasonable congestion or unsafe conditions on highways, streets, waterways, railways, bikeways, pedestrian pathways or other means of transportation, existing or proposed;*

The development seeks to add residential units on two combined lots currently developed as multi-residential and commercial automotive. While the intensity of residential occupancy is proposed to increase, the commercial element of the

development (automotive garage to small commercial, as yet undefined) will significantly decrease. The decrease in curb cuts, from 3 to one, will likely increase the safety for both vehicles and pedestrians immediate to the site. No unreasonable congestion, unsafe condition or negative impact is forecast with the proposed project.

6. *Not cause an unreasonable burden on the city's ability to provide educational services;*

Any impact introduced by the proposed 23 new residential units should be off-set with payment of applicable Impact Fees.

7. *Not place an unreasonable burden on the city's ability to provide municipal services;*

Any impact introduced by the proposed 23 new residential units should be off-set with payment of applicable Impact Fees.

8. *Not have an undue adverse effect on rare, irreplaceable or significant natural areas, historic or archaeological sites, nor on the scenic or natural beauty of the area or any part of the city;*

No archaeological resources have been identified in this area. No known rare, irreplaceable or significant natural areas are included within the project area.

9. *Not have an undue adverse effect on the city's present or future growth patterns nor on the city's fiscal ability to accommodate such growth, nor on the city's investment in public services and facilities;*

This is an existing, developed site. Development intends to introduce additional residential units and a minor commercial space, while cleaning up at tainted automobile service yard. The development proposes to enhance and articulate those growth patterns identified in the Municipal Development Plan.

10. *Be in substantial conformance with the city's municipal development plan and all incorporated plans;*

See Conditional Use review criteria, above.

11. *Not have an undue adverse impact on the present or projected housing needs of the city in terms of amount, type, affordability and location; and/or*

Inclusionary housing will be a requirement of this Major Impact development.

12. *Not have an undue adverse impact on the present or projected park and recreation needs of the city.*

No adverse impact is anticipated; however any impact is likely to be off-set by payment of required Impact Fees.

#### **Article 4: Zoning Maps and Districts**

##### **Section 4.4.2 Neighborhood Mixed Use Districts**

2. *The NMU district is intended to preserve and enhance historically commercial areas while reinforcing the compact scale and development patterns within the city's older neighborhoods.*

*Uses are intended to provide neighborhood oriented goods and services and employment opportunities within walking or biking distance of residential neighborhoods.*

**Table 4.4.2-1 Dimensional Standards and Density**

NMU	Max. Intensity (FAR) 2.0 20,635 sq. ft; 41,270 = 2.0 FAR	Max. Lot Coverage 80%	Minimum Building Setbacks			Height Min. 20', 2 stories Maximum 35'
			Front <sup>4</sup> 0	Side <sup>2</sup> 0	Rear <sup>2</sup> 0	
256-268 and 260- 262 North Winooski	23,471+/- proposed 1.1 FAR	74% proposed	Approx.. 12': Meets required 12' setback from curb (footnote #4, Table 4.4.2-1)	8.9'' on west; 36 +/-' on east.	44' +/-	3 stories proposed. Front building: 31' Rear building: 35'

2. Structures shall be setback a minimum of 15-feet along any property line that abuts a residential zoning district.

4. All structures shall be setback 12 feet from the curb on a public street.

The structures meet footnote 2, 15' setback from a residential zoning district, on the rear (east).  
The lot abuts RM (medium density zone) on the east; backing up to Hyde Street.

## **Article 5: Citywide General Regulations**

### **Part 2: Dimensional Requirements**

#### **Section 5.2.3, Lot Coverage Requirements**

See Table 4.4.2-1, above.

#### **Sec. 5.2.4 Buildable Area Calculation**

Not applicable.

#### **Section 5.2.5 Setbacks**

See Table 4.4.2-1, above.

#### **Sec. 5.2.6, Building Height Limits**

See Table 4.4.2-1, above.

#### **Sec. 5.2.7, Density and Intensity of Development Calculations**

Calculation is made by Floor Area Ratio rather than Dwelling units per acre. See Table 4.4.2-1, above.

#### **Section 5.4.8 Historic Buildings and Sites**

None of the buildings are currently listed on the Vermont State Register or the National Register of Historic Places. Both residential buildings would be eligible for consideration, however, due to their age.



The applicant would either have to present a consultant's interpretation of why the subject buildings are NOT eligible for consideration (thus floreclosing the need for Sec. 5.4.8 review); or meet the standards for review of demolition of historic buildings (Section 5.4.8 (d).)

#### **Section 5.4.9 Brownfield Remediation**

256-258 North Winooski, the site of Bushey's Auto Repair, has been the location of a use typically associated with site contamination, floor drains, etc. The Vermont Department of Environmental Conservation has identified the site as a brownfield. The applicant shall be prepared to provide evidence that the site is or can be remediated so as to be appropriate for residential use.

	Site#	Site Name	Site Address	Site Town	Site County	Priority	Manager	Discovery Date	Closure Date	Primary Consultant
<a href="#">View</a>	20124337	Former Bushey's Auto	256-262 North Winooski Avenue	Burlington		LOW	Sarah A. Bartlett	09-19-2012		Waite Environmental Management

#### **5.4.9 (b) Application Submission Requirements**

*In addition to the submission requirements pursuant to Article 3, the following information as applicable specifying any and all use and development limitations of the site shall also be provided at the time of application:*

1. A VT DEC Approved Corrective Action Plan (CAP) pursuant to 10 VSA §6615a (h);
2. A Record of Decision (ROD) issued by the US EPA;
3. A VT DEC Approved Corrective Action Plan (CAP) pursuant to VHWMR §7-105(b); and
4. Any Warranty Deed specifying any and all use and development limitations of the site.

The applicant continues to work pro-actively with state officials to address the identified site contamination and formulate an appropriate remediation/response. At Technical Review, the applicants shared that the contamination appears to be limited to a finite area under the automotive garage, and can be effectively attenuated.

### **Part 5: Performance Standards**

#### **Section 5.5.1 Nuisance Regulations**

Nothing in the proposal appears to constitute a nuisance under this criterion.

#### **Section 5.5.2 Outdoor Lighting**

The project has not evolved to a point that includes specific lighting details. All requirements of this section, particularly specific Outdoor Lighting Standards and Parking Lot Lighting Standards, will be applicable. A lighting plan, with photometrics, fixture types, and placement, will be required at application.

#### **Section 5.5.3 Stormwater and Erosion Control**

An erosion prevention and sediment control plan as well as a stormwater management plan will be required (as a Major Impact and minor PUD). They will be subject to review and approval by the Stormwater Administrator per Chapter 26, Wastewater, Stormwater, and Pollution Control.

#### **Section 5.5.4 Tree Removal**

The applicant, as part of an overall landscaping plan, will be required to define any existing vegetation, tree removal, and proposed landscaping post-development.

## **Article 6: Development Review Standards**

### **Part 1: Land Division Design Standards**

#### **Section 6.1.1 Applicability**

##### **Sec. 6.1.1 Applicability.**

*These standards are enacted to apply to all development subject to the provisions of this ordinance found in Art. 10 – Subdivisions or Art. 11 – Planned Development involving the subdivision of land, or an adjustment or reconfiguration of lot lines.*

Lot line adjustments do not constitute a subdivision (Sec. 10.1.5) Therefore, Article 10 is not applicable. However, combining 2 existing lots to develop as one project subjects the proposal to these standards.

##### **Sec. 6.1.2 Review Standards**

###### **(a)Protection of important natural features:**

*The arrangement of blocks and lots shall preserve watercourses, wetlands, steep slopes, flood-prone areas, rock outcroppings, wildlife habitat and travel corridors, specimen trees and contiguous stands of forest, and other sensitive ecological and geological areas to the extent practicable.*

There are no identified natural features on either site.

###### **(b) Block Size and Arrangement:**

*The size and arrangement of new blocks shall maintain the size and arrangement of existing neighborhood blocks within the zoning district, and support the pattern of interconnected streets throughout the city.*

The interconnection of public streets remains the same. No change is proposed to existing neighborhood blocks within the zoning district.

###### **(c)Arrangement of lots:**

*The size and arrangement of new lots shall reflect and perpetuate the existing development pattern of the surrounding neighborhood. Lots shall be created in such a way as to enable their development pursuant to the requirements of this ordinance, and ensure a clear transfer of title.*

*Interior lot lines extending from a street should be perpendicular or radial to the street right-of-way line to the greatest extent feasible. Flag lots and through lots are discouraged, and shall be allowed only to the extent where topography and existing block and lot arrangement allow no suitable alternative. In such cases, a minimum frontage for access of 20-feet shall be required.*

Existing periphery property boundaries shall remain the same; only the interior property boundary shall be extinguished to create one single lot. No flag lots are proposed.

**(d) Connectivity of streets within the city street grid:**

*The established grid of interconnected streets shall be maintained and extended to the extent practicable. All streets shall be in conformance with applicable street design & construction details as provided by the department. of public works, and shall be dedicated to the city.*

No change.

**(e) Connectivity of sidewalks, trails, and natural systems:**

*The established sidewalk network shall be maintained and extended to the extent possible. Trail networks and uninterrupted corridors of greenspace outside of the established street grid should be maintained and extended wherever possible. All sidewalks shall be in conformance with applicable street design & construction details as provided by the department. of public works, and shall be dedicated to the city.*

No change to the existing sidewalks is proposed.

**Part 2: Site Plan Design Standards**

**Sec. 6.2.1 Applicability.**

*These standards shall be satisfied for the approval of all development subject to the provisions of this ordinance found in Article 3, Section 3.4.2(1) – Site Plan Review.*

**Sec. 6.2.2 Review Standards**

**(a) Protection of Important Natural Features:**

The sketch plan application has not identified any sensitive ecological features or proposed topographic alterations. The site has, however, been identified as a “low risk” brownfield, and proposed for remediation.

**(b) Topographical Alterations:**

None identified. If significant site grading or other topographical alterations are proposed, the applicants will need to provide topo and grading plans for project review.

**(c) Protection of Important Public Views:**

This is a private parcel. There are no protected important public views.

**(d) Protection of Important Cultural Resources:**

*Burlington’s architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Archeological sites likely to yield information important to the city’s or the region’s pre-history or history shall be evaluated, documented, and avoided whenever feasible. Where the proposed development involves sites listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8(b).*

See notes relative to Section 5.4.8, above.



**(e) Supporting the Use of Renewable Energy Resources:**

The development is encouraged to maximize solar exposure by being oriented to maximize natural light and heat gain during winter months. Shadow cast is not anticipated to become a negative impact, as the proposed building siting allows for greater space between this and the Legal Aid building than currently exists at 264 North Winooski Avenue.

**(f) Brownfield Sites:**

*Where a proposed development involves a known or suspected brownfield, the site plan shall indicate areas of known or suspected contamination, and the applicant shall identify completed or planned remediation necessary to support the intended use(s).*

See Section 5.4.9, above.

**(g) Provide for nature's events:**

*Special attention shall be accorded to stormwater runoff so that neighboring properties and/or the public stormwater drainage system are not adversely affected. All development and site disturbance shall follow applicable city and state erosion and stormwater management guidelines in accordance with the requirements of Art 5, Sec 5.5.3.*

A Stormwater Management plan will be a requirement for this Major Impact/PUD.

*Design features which address the effects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage from circulation areas shall also be incorporated.*

Entryways incorporate roof overhangs or covered shelter, as proposed. An area of snowstorage has not been identified, and needs to be.

**(h) Building Location and Orientation:**

*The introduction of new buildings and additions shall maintain the existing development pattern and rhythm of structures along the existing streetscape. New buildings and additions should be aligned with the front façade of neighboring buildings to reinforce the existing "street-edge," or where necessary, located in such a way that complements existing natural features and landscapes.*

The building front is aligned with neighboring building setbacks, and reinforces the existing "street edge."

*Buildings placed in mixed-use areas where high volumes of pedestrian traffic are desired should seek to provide sufficient space (optimally 12-15 feet) between the curblin and the building face to facilitate the flow of pedestrian traffic. In such areas, architectural recesses and articulations at the street-level are particularly important, and can be used as an alternative to a complete building setback in order to maintain the existing street wall.*

The building proposed for the front meets the required 12' setback from the public street; and in that requirement, provides sufficient space to facilitate pedestrian traffic. The design incorporates changes in building plane that enhance the building's appearance and overall interest.

*Principal buildings shall have their main entrance facing and clearly identifiable from the public street.*

A main entrance is provided and clearly identifiable at the building front and facing the public sidewalk and street.

**(i) Vehicular Access:**

*Curb cuts shall be arranged and limited in number to reduce congestion and improve traffic safety. A secondary access point from side roads is encouraged where possible to improve traffic flow and safety along major streets. The width and radius of curb cuts should be kept to the minimum width necessary, and sight triangles and sufficient turnarounds for vehicles shall be provided to reduce the potential for accidents at points of egress.*

The proposal includes a two lane shared drive with the adjoining Legal Aid property. This will reduce existing curb cuts from 3 to one.

*Residential driveways shall be a minimum of 7 feet in width or consist of two 1.5' driveway strips. Driveway strips shall be accompanied by a paved area for the parking and/or storage of motor vehicles. The maximum width for single or shared access driveways shall be 18'. In a residential district, driveways and parking areas shall be set back a minimum of 5' from side and rear property lines.*

The shared driveway is accompanied by a paved parking area. The parking setback (at the sides and rear, adjoining the residential district) is illustrated at 5'.

*Driveways for commercial properties may require a traffic study to identify the impacts of the movement of traffic to and from the property, and design for safe access. Access for service and loading areas should be located behind buildings or otherwise screened from streets or public ways with landscaping or other barriers. Whether commercial or residential, shared driveways are encouraged, where possible and appropriate.*

The Department of Public Works traffic engineer expressed initial reflections on the proposal at the Technical Review Committee meeting May 9, 2013. He was disinclined to recommend a traffic study for the proposed new development at that point.

A trash enclosure is proposed for the north – east rear corner of the 260-262 North Winooski Avenue parcel. The applicants will need to define the specifics of the enclosure (fencing, etc.) to meet the design review guidelines of this section.

**(j) Pedestrian Access:**

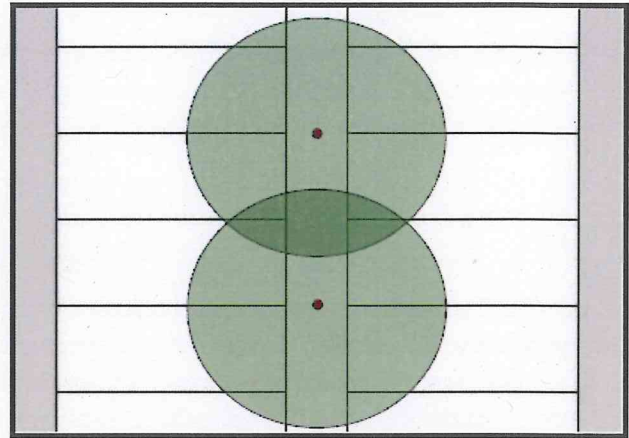
*Pedestrians shall be provided one or more direct and unobstructed paths between a public sidewalk and the primary building entrance. Well defined pedestrian routes shall be provided through parking areas to primary building access points and be designed to provide a physical separation between vehicles and pedestrians in a manner that minimizes conflicts and improves safety. Where sidewalks and driveways meet, the sidewalk shall be clearly marked by differentiated ground materials and/or pavement markings.*

Direct pedestrian access is proposed from both the public sidewalk and the parking area on the east. There is no physical separation between pedestrian walk areas and the parking lot. A method of safe separation should be considered and developed. At Technical Review, a

sidewalk access was recommended between the parking lot and the front entrance, to address the likely “desire path” that would occur over proposed green space at that location.

**(k) Accessibility for the Handicapped:**

*Special attention shall be given to the location and integration of accessible routes, parking spaces, and ramps for the disabled. Special attention shall also be given to identifying accessible access points between buildings and parking areas, public streets and sidewalks. The federal Americans with Disabilities Act Accessibility Guidelines (ADAAG) shall be used as a guide in determining the adequacy of the proposed development in addressing the needs of the disabled.*



1 handicap parking space is illustrated on the site plan. An accessible entry is recommended; a fully accessible unit is encouraged.

**(l) Parking and Circulation:**

*To the extent possible, parking should be placed at the side or rear of the lot and screened from view from surrounding properties and adjacent public rights of ways. Any off-street parking occupying street level frontage in a Downtown Mixed Use District shall be setback from the edge of the front property line in order to provide space for active pedestrian-oriented uses. Parking areas of more than 20 spaces should be broken into smaller areas separated by landscaping.*

The proposed parking is on the side and rear of the lot. 25 parking spaces are proposed; the parking area divided into two sections. The parking is setback from the edge of the front property line, and proposed to be screened with landscaping.

*Attempts to link adjacent parking lots or provide shared parking areas which can serve neighboring properties simultaneously shall be strongly encouraged.*

The development includes a shared two-line access drive with the Legal Aid (264 North Winooski Avenue) parcel. Their parking will be immediately adjacent to this parcel in the side and rear; there is no change to their existing parking count.

*Parking shall be laid out to provide ease in maneuvering of vehicles and so that vehicles do not have to back out onto city streets. Dimensions of spaces shall at a minimum meet the requirements as provided in Article 8. The perimeter of all parking areas shall be designed with anchored curb stops, landscaping, or other such physical barriers to prevent vehicles from encroaching into adjacent green spaces.*

Adequate turn-around space appears to be provided; no vehicles will be required to back out onto the street. The perimeter of all parking areas will need to have barriers to prevent parking lot creep and destruction of green space.

*Surface parking and maneuvering areas should be shaded in an effort to reduce their effect on the local microclimate, air quality, and stormwater runoff with an objective of shading at least*



*30% of the parking lot. Shading should be distributed throughout the parking area to the greatest extent practical, including within the interior depending on the configuration. New or substantially improved parking areas with 15 or more parking spaces shall include a minimum of 1 shade tree per 5 parking spaces with a minimum caliper size of 2.5"-3" at planting. Up to a 30% waiver of the tree planting requirement may be granted by the development review board if it is found that the standard requirement would prove impractical given physical site constraints and required compliance with minimum parking requirements. All new shade trees shall be: of a species appropriate for such planting environments, expected to provide a mature canopy of no less than 25-feet in diameter, and selected from an approved list maintained by the city arborist. Existing trees retained within 25-feet of the perimeter of the parking area (including public street trees), and with a minimum caliper size greater than 3-inches, may be counted towards the new tree planting requirement.*

For 25 parking spaces, 5 shade trees meeting the caliper size specified will need to be provided to meet this standard. 8 trees are illustrated in immediate proximity to the parking areas, meeting this provision. Additional landscaping (or fencing) is recommended along the rear (east?) property line to shield neighboring properties from headlight glare.

*All parking areas shall provide a physical separation between moving and parked vehicles and pedestrians in a manner that minimizes conflicts and gives pedestrians a safe and unobstructed route to building entrance(s) or a public sidewalk.*

There is no identified walkway that separates vehicles and pedestrians within the circulation areas of the parking lot. The entrances, however, are visually clear and evident for building entrance. It may be prudent to articulate a small pathway for resident use on the east elevation along the front of the parking areas leading to entrances to minimize pedestrian/vehicular conflict. Additionally, DPW has recommended a paved path between the parking area and the front entrance, to anticipate the "desire line" of traffic from the parking lot to the main entrance.

*Where bicycle parking is provided, access shall be provided along vehicular driveways or separate paths, with clearly marked signs indicating the location of parking areas. Where bicycle parking is located proximate to a building entrance, all shared walkways shall be of sufficient width to separate bicycles and pedestrians, and be clearly marked to avoid conflicts. All bicycle parking areas shall link directly to a pedestrian route to a building entrance. All bicycle parking shall be in conformance with applicable design & construction details as provided by the dept. of public works.*

Significant long term bicycle storage is proposed for the basement. Short term storage is planned under a roof canopy between the buildings; a logical and convenient choice for residents and visitors alike.

**(m) Landscaping and Fences:**

There are some existing trees on the site; applicants are attempting to identify which may be considered for retention and used toward the parking lot shading requirement.

Additional trees and landscaping will need to be addressed in the application review. A post-construction landscaping plan will need to be submitted, to assure effective stormwater control, site beautification and resident privacy in key locations. As noted, some treatment at the rear property line will need to address the potential for headlamp glare onto abutting residential properties.

*New or replacement street trees shall be provided consistent with the city's Street Tree Master Plan. All proposed street trees shall be selected and planted in accordance with specifications provided by the city arborist.*

Evaluation of the site plan indicates that the public right-of-way may be largely pavement. Consultation with the City arborist will be required to identify obligations and appropriate species and caliper for new street trees on the greenbelt.

The applicant informs that there is fencing along the rear property boundaries that may either be retained or replaced. This will need to be defined at time of application.

**(n) Public Plazas and Open Space:**

There are no public plazas within the project site area. The open space between buildings is being discussed as an advantageous area for community bicycle parking and thoughtful landscaping that might thrive in the shaded area. Both options are encouraged.

**(o) Outdoor Lighting:**

*Where exterior lighting is proposed the applicant shall meet the lighting performance standards as per Sec 5.5.2. See Section 5.5.2.*

**(p) Integrate infrastructure into the design:**

*Exterior storage areas, machinery and equipment installations, service and loading areas, utility meters and structures, mailboxes, and similar accessory structures shall utilize setbacks, plantings, enclosures and other mitigation or screening methods to minimize their auditory and visual impact on the public street and neighboring properties to the extent practicable.*

*Utility and service enclosures and screening shall be coordinated with the design of the principal building, and should be grouped in a service court away from public view. On-site utilities shall be placed underground whenever practicable. Trash and recycling bins and dumpsters shall be located, within preferably, or behind buildings, enclosed on all four (4) sides to prevent blowing trash, and screened from public view.*

*Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize insofar as practicable, any adverse impact on neighboring properties and the environment pursuant to the requirements of Article 5, Part 4 Performance Standards.*

At preliminary review, there are no mechanical systems proposed either ground or roof mount. Either would require incorporation into the application, accompanied by specification information relative to likely decibel level.

Meters, utility connections, mailboxes, recycling locations, satellite dishes and similar components will need to be identified by location on the site plan and/or building elevation, as appropriate. A safe and covered location for resident mailboxes is encouraged.

The building street number will need to be placed in a location that is easily visible from the public ROW for emergency response purposes.

The design of the trash enclosure will need to be provided at the time of application.

## PART 3: ARCHITECTURAL DESIGN STANDARDS

### Sec. 6.3.2 Review Standards

#### **(a) Relate development to its environment:**

*Proposed buildings and additions shall be appropriately scaled and proportioned for their function and with respect to their context. They shall integrate harmoniously into the topography, and to the use, scale, and architectural details of existing buildings in the vicinity.*

*The following shall be considered:*

#### **1. Massing, Height and Scale:**

*While architectural styles or materials may vary within a streetscape, proposed development shall maintain an overall scale similar to that of surrounding buildings, or provide a sensitive transition, where appropriate, to development of a dissimilar scale.*

The proposed development is situated between two contrasting massing examples: The larger Legal Aid building, and the 2 ½ story residential structures to the west. At three stories, the proposed buildings are not out of character with the neighborhood, when considering the yellow mixed use bakery/café/residential building on the corner of Crowley and North Winooski, the Legal Aid building (former Jewish elementary school) and the bus barns. In massing, the buildings are in character with this portion of North Winooski Avenue.

*Where the zoning encourages greater intensity and larger scale buildings in high density residential and non-residential zoning districts, buildings that are over 3-stories should provide a transition by employing design elements that reduce the apparent building mass from the street level. Taller buildings and elements are most appropriate where they provide a focal point of a terminal view, anchor a street-corner, frame view corridors, or relate to larger scaled structures.*

In the Neighborhood Mixed Use zone, higher density is encouraged. The proposed buildings are not over three stories, yet maintain the visual street corridor along North Winooski Avenue.

*Buildings should maintain consistent massing and perceived building height at the street level, regardless of the overall bulk or height of the building. Buildings should maintain a relationship to the human scale through the use of architectural elements, variations of proportions and materials, and surface articulations. Large expanses of undifferentiated building wall along the public street or sidewalk shall be avoided. The apparent mass and scale of buildings shall be broken into smaller parts by articulating separate volumes reflecting existing patterns in the streetscape, and should be proportioned to appear more vertical than horizontal in order to avoid monotonous repetition. (See also (d) Provide an active and inviting street edge below.)*

The buildings' design incorporated fluctuating wall planes, window arrangements, bays and projecting pavilions to keep the eye entertained and the building vibrant. The heavy cornice line "caps" the structures, yet directs the eye around the building for a fluid articulation of continued design. Materials are proposed to differ, with alternating expression around window bays and similar projections. Variations of metal sheathing are being considered.

#### **2. Roofs and Rooflines.**



*New buildings should incorporate predominant roof forms and pitches within the existing neighborhood and appropriate to the context. Large expanses of undifferentiated roof forms shall be avoided. This can be achieved by incorporating dormers or some variation in the roof form to lessen the impact of the massing against the sky. While flat roofs can be a reasonable architectural solution, pitched roof forms and architectural elements that enhance the city's skyline are strongly encouraged. Roof eaves, parapets, and cornices should be articulated as an architectural detail.*

While a flat roof is proposed, several neighborhood examples create an existing precedent for pattern. The roofline itself is animated, with expressive articulation along the cornice, and energized fluctuation reflecting façade plane changes. The result is dynamic and lively.

*Roof-top mechanicals shall be screened from view from the public street, and should be incorporated into and hidden within the roof structure whenever possible.*

No HVAC equipment has yet been proposed; however inclusion should be incorporated into the overall design plan and not dropped on the roof without consideration for visual impact. Mechanical equipment is subject to the height restrictions of the ordinance.

*Solar panels, light colored ballast or roof membranes, split roof clerestories, planted or "green" roof technologies (with a clearly articulated maintenance plan) and "gray water" collection are encouraged. Active rooftop uses are also encouraged to add to the visual complexity and activity of the city's skyline, and afford public access to otherwise unseen views of the city and surrounding landscape.*

A green roof, solar panels, or installation of conduit that would eventually allow inclusion of solar are all encouraged.

### **3. Building Openings**

*Principal entrances shall be clearly defined and readily identifiable from a public street whether by a door, a canopy, porch, or other prominent architectural or landscape features. People with physical challenges should be able to use the same entrance as everyone-else and shall be provided an "accessible route" to the building. Attention shall also be accorded to design features which provide protection from the affects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage.*

An entrance is proposed to front North Winooski Avenue. Additional entrances are designed for the eastern facades, abutting the parking area. All are proposed to have some roof cover/canopy to shelter residents from inclement weather.

*Window openings shall maintain consistent patterns and proportions appropriate to the use. The window pattern should add variety and interest to the architecture, and be proportioned to appear more vertical than horizontal. Where awnings over windows or doors are used, the lowest edge of the awning shall be at least eight (8) feet above any pedestrian way, and shall not encroach into the public right-of-way without an encroachment permit issued by the dept. of public works.*

Windows are proposed to maintain a consistent pattern, and appear from vertical than horizontal. Awnings / canopies will be required to meet installation height requirements. None are proposed within the public ROW.

*Buildings placed on a side or rear property line where no setback is required shall contain neither doors nor windows along such façade so as not to restrict future development or re-development options of the adjacent property due to fire safety code restrictions. Otherwise they should be setback a minimum of 5-feet.*

While the ordinance does not require a building setback in the NMU, the application has proposed a 10' setback from the neighboring building along the west for code purposes (which then allows for inclusion of windows and doors.)

**(b) Protection of Important Architectural Resources:**

*Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8. The introduction of new buildings to a historic district listed on a state or national register of historic places shall make every effort to be compatible with nearby historic buildings.*

See Section 5.4.8, above.

**(c) Protection of Important Public Views:**

There are no protected public views from this site.

**(d) Provide an active and inviting street edge:**

The proposed design incorporates variations along the street edge, including planar variation, material differentiation, trim/spandrel/cornice accentuation, and fenestration arrangement that activate and provide interest to the building.

*Non-residential buildings should provide visual access into the interior of building at the street level through the use of large transparent windows and/or window displays in order to create a dynamic and engaging public streetscape. The use of mirrored, frosted, or tinted glass shall not be permitted along an active pedestrian street-level façade. In contrast, residential buildings may be slightly recessed and/or elevated from the street-level in order to provide privacy. In such cases, visual interest along the streetscape can be provided through the use of landscaping, porches, and other similar features that offer a transition between public and private space.*

One street-level unit is proposed to be reserved for commercial use. The window arrangement appears to meet the requirement for large, transparent opening for such non-residential use.

Windows of residential units along the first floor that front North Winooski Avenue are minimal; however these may not have frosted glass or otherwise conflict from this standard. The minor setback from the sidewalk in this case may provide adequate measure of distance for privacy purposes.

*Buildings in downtown districts that provide open space by way of building setbacks at the ground level shall utilize landscaping, street furniture, public art, sitting walls, fountains, etc. to maintain a sense of the existing street wall, define a sense of entry for the building and create a space that enhances the pedestrian's experience. Urban "open" space shall maximize accessibility for all individuals including the disabled, and encourage social interaction.*

This is a mixed use district; however the entrance canopy, and centralized entrance doors with an expanse of glass do a great deal toward providing a warm welcome to residents/guests.

**(e) Quality of materials:**

*All development shall maximize the use of highly durable building materials that extend the life cycle of the building, and reduce maintenance, waste, and environmental impacts. Such materials are particularly important in certain highly trafficked locations such as along major streets, sidewalks, loading areas, and driveways. Efforts to incorporate the use of recycled content materials and building materials and products that are extracted and/or manufactured within the region are highly encouraged.*

The applicants are considering a variety of metal sheathing products. Trim, roofing and window materials have not, as yet, been defined.

*Owners of historic structures are encouraged to consult with an architectural historian in order to determine the most appropriate repair, restoration or replacement of historic building materials as outlined by the requirements of Art 5, Sec. 5.4.8.*

Not applicable.

**(f) Reduce energy utilization:**

*New structures should incorporate the best available technologies and materials in order to maximize energy efficient design. All new construction shall meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.*

*New structures should take advantage of solar access where available, and shall undertake efforts to reduce the impacts of shadows cast on adjacent buildings where practicable, in order to provide opportunities for the use of active and passive solar utilization.*

See Section 6.2.2. (e) above.

All requirements for energy efficient construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances will be met to the satisfaction of Burlington Electric Department. A representative from Burlington Electric has reached out to project applicants to offer guidance and partnership in achieving a high standard of energy efficiency.

Alternative energy solutions, either wind, water, solar, thermal, or other are encouraged.

**(g) Make advertising features complementary to the site:**

No signage is proposed. Any signs will require a separate sign permit.

**(h) Integrate infrastructure into the building design:**

See Section 6.2.2. (p), above.

**(i) Make spaces secure and safe:**

Development shall be required to meet all required building and life safety code, and meet ingress/egress requirements as defined by the building inspector and the fire marshal.

**Article 7: Signs**

No signage is proposed. Any signs will require a separate sign permit.

**Article 8: Parking**

This is a shared use parking district, which requires 1 parking space per residential unit. With 23 units, 23 parking spaces are required for the residential use.

Parking for the commercial space will depend upon the use; however most non-residential uses require 1-2 parking spaces per 1,000 square feet of gross floor area. 2 parking spaces are provided for the commercial use for a total of 25 parking spaces on-site.

The applicants will need to define the commercial use prior to seeking a certificate of occupancy to assure adequacy of parking per Table 8.1.8-1 of the CDO.

**Article 9: Inclusionary and Replacement Housing**

**Section 9.1.5 Applicability**

*This ordinance provision applies to all subdivisions and planned unit development (PUD) pursuant to Articles 10 and 11 respectively. Any development of five or more residential units in a single structure shall be considered "minor" planned unit developments and shall be subject to the standard of this article.*

**Section 9.1.10 Percentage of Inclusionary Units**

The applicants are directed to work with the Manager of the city's Housing Trust Fund to determine the appropriate number of Inclusionary Units, dependant upon the rent/selling price of the units. Typically, 15% are offered as IZ units. 15% of 23 = 3 Inclusionary Units.

**Part 2: Housing Preservation and Replacement/Demolition and Conversion**

**Section 9.2.5 Housing Replacement Requirement**

**a. New Construction. Construction of housing units within a new structure or new addition.**

The demolition of structures on both sites will result in the net loss of 4 residential units. They will be replaced within the new development, which is proposed to have 23 residential units. This meets housing replacement requirements.

**Article 10: Subdivision**

This anticipated application will merge two lots as part of the development.

**Section 10.1.5 Lot Line Adjustments**

*The intent of this section is to provide for an abbreviated review and approval process for the realignment of lot boundary lines between existing adjacent lots, **including the merger of lots**, where no additional lots are being created. A lot line adjustment shall not constitute a subdivision.*

A final survey/plat, signed by the zoning administrator will be required to be filed in the land records within 180 days of permit approval.



**Article 11: Planned Development**

**Section 11.1.3 Major and Minor Planner Unit Development**

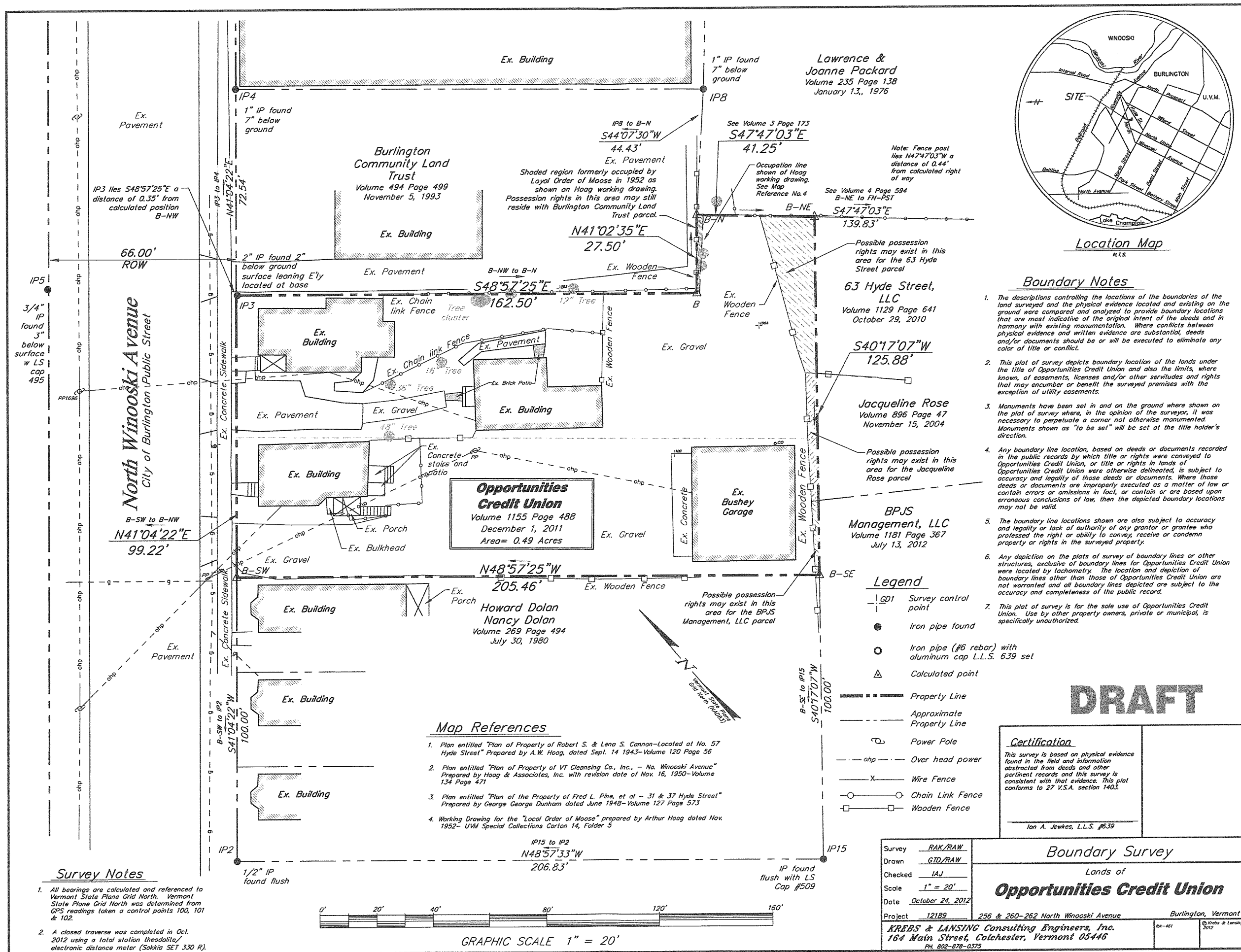
*A minor Planned Unit Development shall include any development consisting of:*

- a) 5 or more units in a single structure, prompting the requirements of Article 9, Inclusionary and Replacement Housing.*

*Minor PUD's shall be exempt from the requirements and standards of this article, but shall be subject to the development standards as otherwise required by this ordinance.*

As a minor PUD, standards of Article 9 (Inclusionary Housing) are triggered. However, no other part of Article 11 applies. See development standards, above.

Note: An application for alterations to the adjacent Legal Aid parcel (shared access drive) will be a requirement as part of this development proposal.





**PROJECT AREA: +/- 23,471 GSF**  
(including basement below east building)

**FAR = 1.1**

**LOT COVERAGE = +/- 76%**

**TOTAL (NEW) PARKING SPACES: 25**

NORTH WINOOSKI

STREET PARKING

12' SETBACK FROM CURB

COMMERCIAL ENTRANCE

1

COMMERCIAL SPACE (T.B.D.)

ENTRANCE

HC

TWO LANE SHARED DRIVE

9'-0" (typ.)

18'-0"

COVERED BIKE PARKING CONNECTING BUILDINGS

ENTRANCE

HC

(compact)

14

53'-9"

22'-0"

18'-0"

15

5' PARKING SETBACK

15' REAR SETBACK


PROPERTY LINE

25

10' SETBACK FROM BUILDING

10' SETBACK FROM BUILDING

PROGRESS PRINT

SMITH ALVAREZ SIENKIEWYCZ ARCHITECTS	117 St. Paul Street 3rd Floor Burlington, VT 05401  P: 802 • 863 • 2227 F: 802 • 863 • 0093	PROJECT: <b>BURLINGTON APARTMENTS PROJECT</b> 256-262 NORTH WINOOSKI AVENUE, BURLINGTON, VT 05401	PROJECT NORTH  PROJECT NO.: 0338	SCHEMATIC DESIGN  DRAWING: <b>SITE PLAN</b> (SHARED DRIVE)	SCALE: 1" = 20'-0"	SD-1
					DATE: MAY 8, 2013	





PROGRESS PRINT

SMITH ALVAREZ SIENKIEWYCZ ARCHITECTS	117 St. Paul Street 3rd Floor Burlington, VT 05401  P: 802 • 863 • 2227 F: 802 • 863 • 0093	PROJECT: <b>BURLINGTON APARTMENTS PROJECT</b> 256-262 NORTH WINOOSKI AVENUE, BURLINGTON, VT 05401	PROJECT NO.: 0338	SCHEMATIC DESIGN  DRAWING: <b>3D CONCEPT STUDIES</b> BIRDSEYE VIEW FROM NORTHWEST	SCALE: N.T.S.	SD-2
					DATE: APRIL 19, 2013	









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SMITH ALVAREZ SIENKIEWYCZ ARCHITECTS	117 St. Paul Street 3rd Floor Burlington, VT 05401  P: 802 • 863 • 2227 F: 802 • 863 • 0093	PROJECT: <b>BURLINGTON APARTMENTS PROJECT</b> 256-262 NORTH WINOOSKI AVENUE, BURLINGTON, VT 05401	PROJECT NO.: 0338	SCHEMATIC DESIGN	SCALE: N.T.S.	SD-3
				DRAWING: 3D CONCEPT STUDIES STREET VIEW FROM NORTHWEST	DATE: APRIL 19, 2013	





PROGRESS PRINT

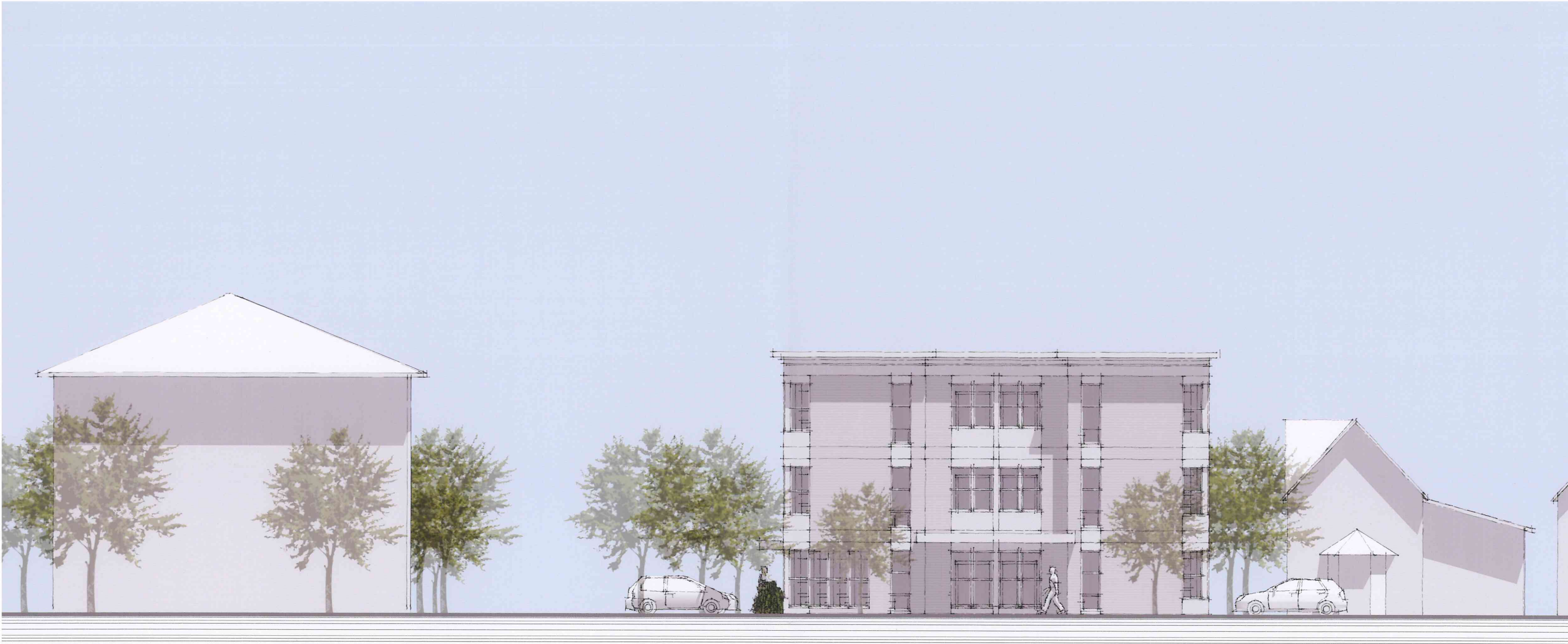
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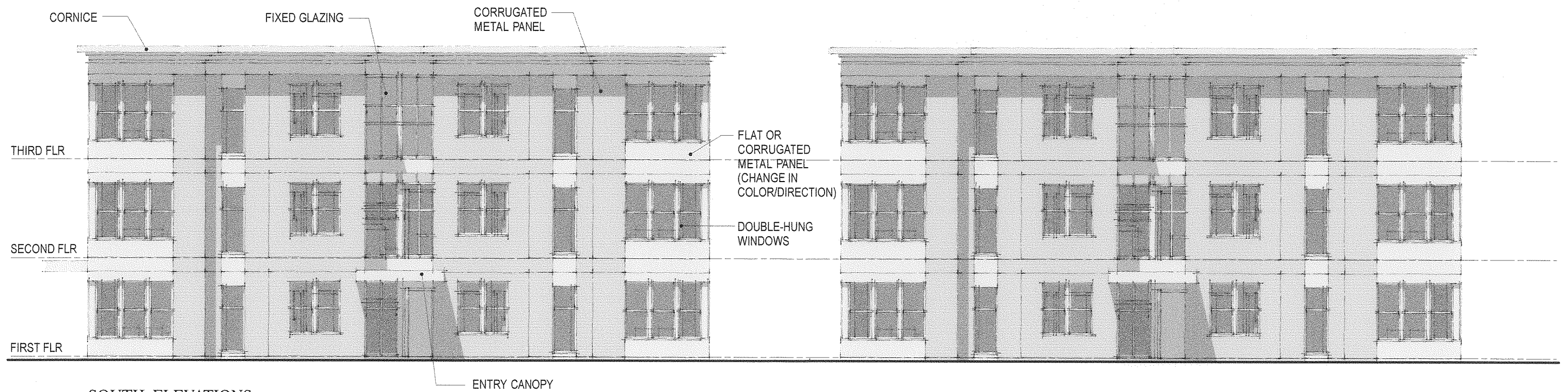
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				DRAWING: 3D CONCEPT STUDIES	DATE: APRIL 19, 2013	
				STREET VIEW FROM SOUTHWEST		



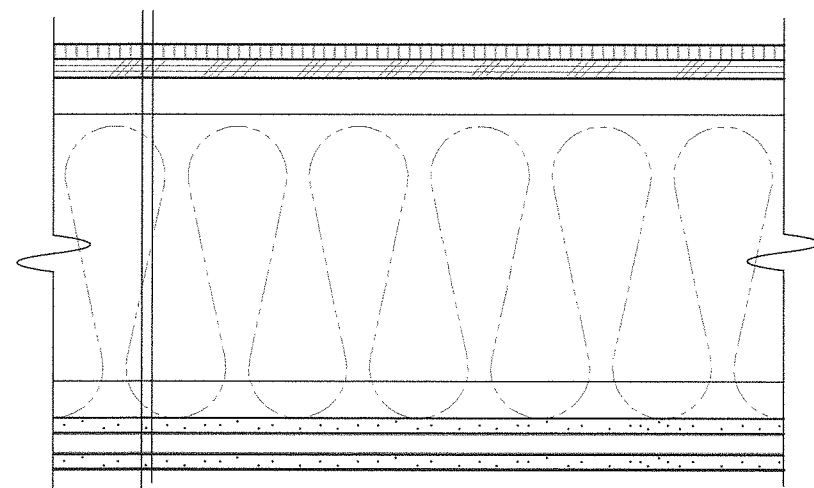
PROGRESS PRINT

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				DRAWING: 3D CONCEPT STUDIES STREET ELEVATION	DATE: APRIL 19, 2013	





**SOUTH ELEVATIONS**  
3/32"=1'-0"



- FLOOR FINISH
- 3/4" T&G ADVANTECH SHEATHING
- TJI (SEE STRUCTURAL)
- 12" ROXUL ACOUSTIC BATT INSULATION
- 5/8" FC GWB, FIRE TAPE
- 1" RESILIENT CHANNELS @ 16" O.C.
- 5/8" FC GWB

**TYPICAL FLOOR ASSEMBLY**  
1 1/2"=1'-0"



**TYPICAL EAST/WEST ELEVATION**  
3/32"=1'-0"

PROGRESS PRINT

<b>SMITH ALVAREZ SIENKIEWICZ ARCHITECTS</b>	117 St. Paul Street 3rd Floor Burlington, VT 05401  P: 802 • 863 • 2227 F: 802 • 863 • 0093	PROJECT: <b>BURLINGTON APARTMENTS PROJECT</b> 256-262 NORTH WINOOSKI AVENUE, BURLINGTON, VT 05401	PROJECT NO.: 0338	SCHEMATIC DESIGN	SCALE: 3/32" = 1'-0"	<b>SD-7</b>
				DRAWING: EXTERIOR ELEVATIONS	DATE: APRIL 19, 2013	